

TOWN OF POLK
BOARD OF ZONING APPEALS MINUTES
December 3, 2009
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I. Call Meeting to Order - 6:30 p.m. at Town of Polk Town Hall, 3680 Hwy 60.

The meeting of the Board of Zoning Appeals was called to order by Chairman Art Melius at 6:30 p.m. at 3680 Hwy 60, Slinger.

A. Official Meeting Notification -

Notice of the Meeting was posted at the Town Hall, Highway View School and Cedar Lake Hills bulletin boards as well as faxed to the West Bend Daily News, Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted on the Town of Polk website. All interested parties were also notified.

B. Roll Call - Board members present: Chairman Art Melius, Karen Reiter, Mary Franz, Marilyn Mayer, Patrick Fehring, Rodney Bartlow - alternate, and Judy Stephenson, Zoning Secretary.

List of guests is attached. (See page)

C. Approval of Agenda - A motion was made by Karen Reiter to approve the Agenda for December 3, 2009, seconded by Marilyn Mayer. Motion carried unanimously by voice vote.

D. Approval of Minutes -August 27, 2009 - A motion was made by Karen Reiter and seconded by Mary Franz to approve the minutes of August 27, 2009. Motion carried unanimously.

II. Public Hearing - Elke Rudloff - owner - 4133 Hwy Z, West Bend. Judy Stephenson, Zoning Secretary, read the Notice of Public Hearing for Elke Rudloff

A. Variance request to Section 8.03 (2) of the Zoning Ordinance of Title X of the Municipal Code of the Town of Polk to allow a variance of 5 ft. 4 inches from the 25 ft. minimum front yard setback to structurally alter a residence less than 25 ft. from the road right-of-way requirement, to construct an addition to the home. Tax Key #T9-0446-00A, Section 10, Substandard Lot, .76 Acres, Zoned R-1 Residential.

Elke Rudloff stated that she would like Rodger Drake to present the variance request and describe the proposed project. Mr. Drake stated that he brought some final plans of what the siding, brickwork and stonework would look like. He further stated that the third garage is actually sticking out and is the section in question. They had initially tried to set it back 8 ft. to keep it within the setbacks but then the back of the garage had to be moved back 5 ft. and that did not look good; also the walk-in closet in the bedroom located over the garage would not have fit.

Discussion was held. Mr. Drake stated that the septic system was located in back of the house.

Chairman Arthur Melius closed the Public Hearing and the Board considered the findings.

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Marilyn Mayer stated that she had no objection to the variance but did have a concern with the driveway and wondered if it could be made safer with a turnaround because of the cars on Hwy Z to the north of the house coming over the hill too quickly. Elke Rudloff stated that the third garage would normally not be used for vehicles to go in and out of; she is aware of the safety issue of backing out onto Hwy Z because even though the speed limit is 25 mph, cars often exceed it. She further stated that she has called the Sheriff about the speeding. Further discussion was held. Mary Franz stated that she did not have a problem with the additional garage since it is set back farther than the front of the house. Patrick Fehring stated that the garage addition would not be more nonconforming.

Mary Franz read the findings:

1. Preservation of intent - It meets the criteria.
2. Exceptional circumstances - The nonconforming lot existed at the time of the buildings construction.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance - There is no economic or self-imposed hardship.
4. Preservation of Property Rights - There is no further encroachment.
5. Absence of Detriment - There is no detriment.

Decision - The Board agreed to grant the variance.

Motion made by Marilyn Mayer and seconded by Mary Franz to approve the variance as requested. All voted in favor and the motion carried.

III. Public Hearing - Scott Litsheim - owner - 4156 Hwy 175, Slinger. Judy Stephenson, Zoning Secretary, read the Notice of Public Hearing for Scott Litsheim.

A. Variance request to Section 6.04 (2) of the Zoning Ordinance Title X of the Municipal Code of the Town of Polk to allow a variance of 5.3 ft. from the 25 ft. minimum rear yard setback to construct an attached 24 ft. by 24 ft. garage. Tax Key T9-0350-00F, Substandard lot, .22 Acres, Section 7, Zoned R-1 Residential.

Scott Litsheim stated that the house has water problems; water runs into the basement from

where the driveway is. There is ice on the property going into April because it faces north and does not get sun. He further stated that the garage would be a good solution because he can

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block up the opening where the existing garage is, also, the door doesn't keep in the heat and the pipes freeze. He further stated that the filter bed runs along side the house on the south and the well is way up front. Karen Reiter stated that if he would build on top of the filter bed there could be problems. Mr. Litsheim stated that Washington County did not have records of the septic system because it was put in so long ago but he was reasonably certain of its location. Mary Franz stated that she had observed a shared driveway in back and a loop in front of the house. Mr. Lisheim stated that he usually parked in the front and there was an access point to Hwy 175 on his property; the shared driveway highway access is on the neighbors property - they just give him access. He further stated that the new garage door would be facing north and he would access the shared driveway from it. Mr. Litsheim stated that the property slopes to the east towards a swamp. Further discussion was held. Mary Franz asked if the neighbor at 4106 Hwy 175 had been notified of the Public Hearing since a metal pole building at that address is partially nearby and might be affected. Mr. Litsheim stated that the driveway from the pole building comes out by a neighbors house.

Judy Stephenson stated that properties in the Town of Polk within 100 ft. were notified of the Public Hearing and the Village of Slinger was notified; it is up to the Village to notify nearby Village properties.

Art Melius stated that Mr. Litsheim would not be required to remove a shed on his property because the accessory building square footage limitation does not include attached garages. Mr. Lisheim stated he may remove shed for appearance purposes; he is currently renting out the house but he may be moving back in himself. Marilyn Mayer stated that the aesthetics would improve the appearance of the house. Mary Franz stated that the house next door is farther back than what Mr. Litsheim is proposing and so it is not inconsistence with the neighborhood. Mr. Litsheim stated the property to the east has had problems with their mound system but he does not believe they have had water problems because the slope is about 15' behind the neighbor and goes down into the swamp about 40' behind the property.

Chairman Arthur Melius closed the Public Hearing and the Board considered the findings.

Mary Franz read the findings:

1. Preservation of intent -.It is entirely consistent to add onto a house .
2. Exceptional circumstances - the lot is substandard in size.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance - There is no self-

imposed or economic hardship.

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4. Preservation of Property Rights - He is trying to resolve his flooding problem and create storage.

5. Absence of Detriment - There appears to be no detriment.

Decision - The Board agreed to grant the variance - it meets all the criteria.

Motion by Marilyn Mayer and seconded by Mary Franz to approve the variance as requested. All voted in favor and the motion passed.

IV. Adjournment

Motion to adjourn made by Mary Franz and seconded by Patrick Fehring. All voted in favor and the meeting was adjourned at 6:58 p.m.

Respectfully Submitted,

Judy Stephenson
Zoning Secretary

